

S.103

Combat Meth Act of 2005 (Reported in Senate)

S 103 RS

Calendar No. 184
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1st Session
S. 103

To respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

January 24, 2005

Mr. TALENT (for himself, Mrs. FEINSTEIN, Mr. BAYH, Mr. NELSON of Nebraska, Mr. DAYTON, Mr. WYDEN, Mr. SALAZAR, Mr. HAGEL, Mr. HARKIN, Mr. SMITH, Mr. COLEMAN, Mr. GRASSLEY, Ms. CANTWELL, Mr. PRYOR, Mrs. LINCOLN, Mr. LOTT, Mr. CHAMBLISS, Mrs. DOLE, Mr. BINGAMAN, Mr. DOMENICI, Mr. NELSON of Florida, Mr. KOHL, Ms. MURKOWSKI, Mr. BAUCUS, Mr. BYRD, Mr. ROCKEFELLER, Mr. JOHNSON, Mrs. BOXER, Mr. CONRAD, Mr. THUNE, Mrs. CLINTON, Mr. SCHUMER, Mr. STEVENS, Mr. INOUE, Mr. OBAMA, Mr. DURBIN, and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

July 28, 2005

Reported by Mr. SPECTER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[Struck out->] SECTION 1. SHORT TITLE. [<-Struck out]

[Struck out->] This Act may be cited as the `Combat Meth Act of 2005'. [<-Struck out]

[Struck out->] TITLE I--ENFORCEMENT [<-Struck out]

[Struck out->] SEC. 101. AUTHORIZATION OF APPROPRIATIONS RELATING TO COPS GRANTS. [<-Struck out]

[Struck out->] (a) In General- In addition to any other funds authorized to be appropriated for fiscal year 2006 for grants under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), commonly known as the COPS program, there are authorized to be appropriated \$15,000,000 for such purpose to provide training to State and local prosecutors and law enforcement agents for the investigation and prosecution of methamphetamine offenses. [<-Struck out]

[Struck out->] (b) Rural Set-Aside- Of amounts made available under subsection (a), \$3,000,000 shall be available only for prosecutors and law enforcement agents for rural communities. [<-Struck out]

[Struck out->] SEC. 102. EXPANSION OF METHAMPHETAMINE HOT SPOTS PROGRAM TO INCLUDE PERSONNEL AND EQUIPMENT FOR ENFORCEMENT, PROSECUTION, AND CLEANUP. [<-Struck out]

[Struck out->] Section 1701(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended-- [<-Struck out]

[Struck out->] (1) in paragraph (11) by striking `and' at the end; [<-Struck out]

[Struck out->] (2) in paragraph (12) by striking the period at the end and inserting `; and'; and [<-Struck out]

[Struck out->] (3) by adding at the end the following: [<-Struck out]

[Struck out->] `(13) hire personnel and purchase equipment to assist in the enforcement and prosecution of methamphetamine offenses and the cleanup of methamphetamine-affected areas.'. [<-Struck out]

[Struck out->] SEC. 103. SPECIAL UNITED STATES ATTORNEYS' PROGRAM. [<-Struck out]

[Struck out->] (a) In General- The Attorney General shall allocate any amounts appropriated pursuant to the authorization under subsection (c) for the hiring and training of special assistant United States attorneys. [<-Struck out]

[Struck out->] (b) Use of Funds- The funds allocated under subsection (a) shall be used to-- [<-Struck out]

[Struck out->] (1) train local prosecutors in techniques used to prosecute methamphetamine cases, including the presentation of evidence related to the manufacture of methamphetamine; [<-Struck out]

[Struck out->] (2) train local prosecutors in Federal and State laws involving methamphetamine manufacture or distribution; [<-Struck out]

[Struck out->] (3) cross-designate local prosecutors as special assistant United States attorneys; and [<-Struck out]

[Struck out->] (4) hire additional local prosecutors who-- [<-Struck out]

[Struck out->] (A) with the approval of the United States attorney, shall be cross-designated to prosecute both Federal and State methamphetamine cases; [<-Struck out]

[Struck out->] (B) shall be assigned a caseload, whether in State court or Federal court, that gives the highest priority to cases in which-- [<-Struck out]

[Struck out->] (i) charges related to methamphetamine manufacture or distribution are submitted by law enforcement for consideration; and [<-Struck out]

[Struck out->] (ii) the defendant has been previously convicted of a crime related to methamphetamine manufacture or distribution. [<-Struck out]

[Struck out->] (c) Authorization of Appropriations- There are authorized to be appropriated \$5,000,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of this section. [<-Struck out]

[Struck out->] SEC. 104. PSEUDOEPHEDRINE AMENDMENTS TO CONTROLLED SUBSTANCES ACT. [<-Struck out]

[Struck out->] (a) Addition of Pseudoephedrine to Schedule V- Section 202 of the Controlled Substances Act (21 U.S.C. 812) is amended by adding at the end the following: [<-Struck out]

[Struck out->] `(6) Any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.' . [<-Struck out]

[Struck out->] (b) Prescriptions- Section 309(c) of the Controlled Substances Act (21 U.S.C. 829(c)) is amended-- [<-Struck out]

[Struck out->] (1) by inserting `(1)' before `No controlled substance'; and [<-Struck out]

[Struck out->] (2) by adding at the end the following: [<-Struck out]

[Struck out->] `(2) If the substance described in paragraph (6) of Schedule V of section 202 is dispensed, sold, or distributed in a pharmacy-- [<-Struck out]

[Struck out->] `(A) the substance shall be dispensed, sold, or distributed only by a licensed pharmacist or a licensed pharmacy technician; and [<-Struck out]

[Struck out->] `(B) any person purchasing, receiving, or otherwise acquiring any such substance shall-- [<-Struck out]

[Struck out->] `(i) produce a photo identification showing the date of birth of such person; and [<-Struck out]

[Struck out->] `(ii) sign a written log or receipt showing-- [<-Struck out]

[Struck out->] `(I) the date of the transaction; [<-Struck out]

[Struck out->] `(II) the name of the person; and [<-Struck out]

[Struck out->] `(III) the name and the amount of the substance purchased, received, or otherwise acquired. [<-Struck out]

[Struck out->] `(3)(A) No person shall purchase, receive, or otherwise acquire more than 9 grams of the substance described in paragraph (6) of Schedule V of section 202 within any 30-day period. [<-Struck out]

[Struck out->] `(B) The limit described in subparagraph (A) shall not apply to any quantity of such substance dispensed under a valid prescription. [<-Struck out]

[Struck out->] `(4)(A) The Director of the Federal Drug Administration, by rule, may exempt a product from Schedule V of section 202 if the Director determines that the produce is not used in the illegal manufacture of methamphetamine or other controlled dangerous substance. [<-Struck out]

[Struck out->] `(B) The Director of the Federal Drug Administration, upon the application of a manufacturer of a drug product, may exempt the product from Schedule V of section 202 if the Director determines that the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine. [<-Struck out]

[Struck out->] `(C) The Director of the Federal Drug Administration, by rule, may authorize the sale of the substance described in paragraph (6) of Schedule V of section 202 by persons other than licensed pharmacists or licensed pharmacy technicians if-- [<-Struck out]

[Struck out->] `(i) the Director finds evidence that the absence of a pharmacy creates a hardship for a community; and [<-Struck out]

[Struck out->] `(ii) the authorized personnel follow the procedure set forth in this Act.'. [<-Struck out]

[Struck out->] TITLE II--EDUCATION, PREVENTION, AND TREATMENT [<-Struck out]

[Struck out->] SEC. 201. GRANTS FOR SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS. [<-Struck out]

[Struck out->] Section 519 of the Public Health Service Act (42 U.S.C. 290bb-25) is amended-- [<-Struck out]

[Struck out->] (1) in subsection (b), by inserting after paragraph (8) the following: [<-Struck out]

[Struck out->] `(9) Development of drug endangered children rapid response teams that will intervene on behalf of children exposed to methamphetamine as a result of residing or being present in a home-based clandestine drug laboratory.'; and [<-Struck out]

[Struck out->] (2) in subsection (o)-- [<-Struck out]

[Struck out->] (A) by striking `For the purpose' and inserting the following: [<-Struck out]

[Struck out->] `(1) IN GENERAL- For the purpose'; and [<-Struck out]

[Struck out->] (B) by adding at the end the following: [<-Struck out]

[Struck out->] `(2) DRUG ENDANGERED CHILDREN RAPID RESPONSE TEAMS- There are authorized to be appropriated \$2,500,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of subsection (b)(9).'. [<-Struck out]

[Struck out->] SEC. 202. LOCAL GRANTS FOR TREATMENT OF METHAMPHETAMINE ABUSE AND RELATED CONDITIONS. [<-Struck out]

[Struck out->] Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended-- [<-Struck out]

[Struck out->] (1) by redesignating the section 514 that relates to methamphetamine and appears after section 514A as section 514B; [<-Struck out]

[Struck out->] (2) in section 514B, as redesignated-- [<-Struck out]

[Struck out->] (A) by amending subsection (a)(1) to read as follows: [<-Struck out]

[Struck out->] `(1) GRANTS AUTHORIZED- The Secretary may award grants to States, political subdivisions of States, American Indian Tribes, and private, nonprofit entities to provide treatment for methamphetamine abuse.'; [<-Struck out]

[Struck out->] (B) by amending subsection (b) to read as follows: [<-Struck out]

[Struck out->] `(b) Priority for Rural Areas- In awarding grants under subsection (a), the Secretary shall give priority to

entities that will serve rural areas experiencing an increase in methamphetamine abuse.'; and [~~Struck out~~]

[~~Struck out->~~] (C) in subsection (d)(1), by striking `2000' and all that follows and inserting `2005 and such sums as may be necessary for each of fiscal years 2006 through 2009'; and [~~Struck out~~]

[~~Struck out->~~] (3) by inserting after section 514B, as redesignated, the following: [~~Struck out~~]

[~~Struck out->~~] `SEC. 514C. METHAMPHETAMINE RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTER. [~~Struck out~~]

[~~Struck out->~~] `(a) Program Authorized- The Secretary, acting through the Administrator, and in consultation with the Director of the National Institutes of Health, shall award grants to, or enter into contracts with, public or private, nonprofit entities to establish a research, training, and technical assistance center to carry out the activities described in subsection (d). [~~Struck out~~]

[~~Struck out->~~] `(b) Application- A public or private, nonprofit entity seeking a grant or contract under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. [~~Struck out~~]

[~~Struck out->~~] `(c) Condition- In awarding grants or entering into contracts under subsection (a), the Secretary shall ensure that not less than 1 of the centers will focus on methamphetamine abuse in rural areas. [~~Struck out~~]

[~~Struck out->~~] `(d) Authorized Activities- Each center established under this section shall-- [~~Struck out~~]

[~~Struck out->~~] `(1) engage in research and evaluation of the effectiveness of treatment modalities for the treatment of methamphetamine abuse; [~~Struck out~~]

[~~Struck out->~~] `(2) disseminate information to public and private entities on effective treatments for methamphetamine abuse; [~~Struck out~~]

[~~Struck out->~~] `(3) provide direct technical assistance to States, political subdivisions of States, and private entities on how to improve the treatment of methamphetamine abuse; and [~~Struck out~~]

[~~Struck out->~~] `(4) provide training on the effects of methamphetamine use and on effective ways of treating methamphetamine abuse to substance abuse treatment professionals and community leaders. [~~Struck out~~]

[~~Struck out->~~] `(e) Reports- Each grantee or contractor under this section shall annually submit a report to the Administrator that contains-- [~~Struck out~~]

[Struck out->] `(1) a description of the previous year's activities of the center established under this section; [<-Struck out]

[Struck out->] `(2) effective treatment modalities undertaken by the center; and [<-Struck out]

[Struck out->] `(3) evidence to demonstrate that such treatment modalities were successful. [<-Struck out]

[Struck out->] `(f) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$3,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 and 2008.'. [<-Struck out]

[Struck out->] SEC. 203. METHAMPHETAMINE PRECURSOR MONITORING GRANTS.
[<-Struck out]

[Struck out->] (a) Grants Authorized- The Attorney General, acting through the Bureau of Justice Assistance, may award grants to States to establish methamphetamine precursor monitoring programs. [<-Struck out]

[Struck out->] (b) Purpose- The purpose of the grant program established under this section is to-- [<-Struck out]

[Struck out->] (1) prevent the sale of methamphetamine precursors, such as pseudoephedrine, to individuals in quantities so large that the only reasonable purpose of the purchase would be to manufacture methamphetamine; [<-Struck out]

[Struck out->] (2) educate businesses that legally sell methamphetamine precursors of the need to balance the legitimate need for lawful access to medication with the risk that those substances may be used to manufacture methamphetamine; and [<-Struck out]

[Struck out->] (3) recalibrate existing prescription drug monitoring programs designed to track the sale of controlled substances to also track the sale of pseudoephedrine in any amount greater than 6 grams. [<-Struck out]

[Struck out->] (c) Use of Grant Funds- Grant funds awarded to States under this section may be used to-- [<-Struck out]

[Struck out->] (1) implement a methamphetamine precursor monitoring program, including hiring personnel and purchasing computer hardware and software designed to monitor methamphetamine precursor purchases; [<-Struck out]

[Struck out->] (2) expand existing methamphetamine precursor or prescription drug monitoring programs to accomplish the purposes described in subsection (b); [<-Struck out]

[Struck out->] (3) pay for training and technical assistance for law enforcement personnel and employees of businesses

[<-Struck out]

[Struck out->] (4) improve information sharing between adjacent States through enhanced connectivity; or [<-Struck out]

[Struck out->] (5) make grants to subdivisions of the State to implement methamphetamine precursor monitoring programs. [<-Struck out]

[Struck out->] (d) Application- Any State seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require. [<-Struck out]

[Struck out->] (e) Authorization of Appropriations- There are authorized to be appropriated \$5,000,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of this section. [<-Struck out]

SECTION 1. SHORT TITLE.

This Act may be cited as the `Combat Meth Act of 2005'.

TITLE I--ENFORCEMENT

Subtitle A--Amendments to Controlled Substances Act

SEC. 101. PSEUDOEPHEDRINE AND EPHEDRINE AMENDMENTS TO CONTROLLED SUBSTANCES ACT.

(a) Addition of Pseudoephedrine and Ephedrine to Schedule V- The matter under schedule V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following:

`(6) Any detectable quantity of pseudoephedrine or ephedrine, their salts or optical isomers, or salts of optical isomers.'

(b) Prescriptions- Section 309(c) of the Controlled Substances Act (21 U.S.C. 829(c)) is amended--

(1) by striking `No controlled substance' and inserting the following:

`(1) IN GENERAL- No controlled substance'; and

(2) by adding at the end the following:

`(2) RETAIL DISTRIBUTORS AND PHARMACIES- If a controlled substance described in paragraph (6) of schedule V is dispensed or sold at retail by a retail distributor or a pharmacy, the retail distributor or pharmacy shall ensure the following:

`(A) QUALIFICATIONS OF DISPENSER- The substance shall be dispensed or sold at retail only by practitioner, pharmacist, or an individual under the supervision of a pharmacist as permitted by the State.

`(B) REQUIREMENTS FOR PURCHASER- Any person purchasing, receiving, or otherwise acquiring any such substance shall, prior to taking possession--

`(i) provide an approved Federal or State-issued photo identification or an alternative form of identification authorized by the Attorney General; and

`(ii) sign or make an entry in a written or electronic log that conforms with the regulations under paragraph (4) documenting--

`(I) the date of the transaction;

`(II) the name of the person; and

`(III) the name and the amount of the controlled substance described in paragraph (6) of schedule V purchased, received, or otherwise acquired.

`(C) LIMITATION ON AMOUNT OF PURCHASE- No person shall purchase, receive, or otherwise acquire more than 7.5 grams of a controlled substance described in paragraph (6) of schedule V within any 30-day period.

`(3) EXEMPTIONS-

`(A) IN GENERAL- The Attorney General, by rule, may exempt a product from paragraph (6) of schedule V if the Attorney General determines that the product cannot be used in the illegal manufacture of methamphetamine or any other controlled dangerous substance.

`(B) DIFFERENT FORMULATION-

`(i) IN GENERAL- The Attorney General, upon the application of a manufacturer of a drug product, may exempt a product from paragraph (6) of schedule V if the Attorney General determines that the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine.

`(ii) SENSE OF CONGRESS- It is the sense of Congress that the Secretary of Health and Human Services should consider a product under clause (i) to be subject to the performance goals established by the Commissioner of Food and Drugs for priority drugs.

`(C) SPECIAL EXCEPTIONS- The Attorney General, by rule, may authorize the sale of a controlled substance described in paragraph (6) of schedule V by persons other than a practitioner, and at a location other than a pharmacy if--

`(i) the Attorney General--

`(I) determines that the retail facility is located within a commercial service airport, and sells the substance packaged in liquid and liquid filled gelcaps only, each single sales package containing

not more than 360 mg, per person, in a 24 hour period; or

`(II) has issued an alternate place of sale license to the retail location and has issued an alternate dispenser license to the person authorized to make the sale under subsections (i) and (j) of section 303, respectively;

`(ii) the person dispensing the controlled substance described in paragraph (6) of schedule V follows the procedures set forth in this Act; and

`(iii) the person authorized under section 303(i) dispensing the controlled substance described in paragraph (6) of schedule V provides notification, in writing, of the intention to dispense such substance pursuant to a special exception under this subparagraph to each State and local law enforcement authority with jurisdiction to investigate crimes involving controlled substances at such location.

`(D) PRESCRIPTIONS- The limit described in paragraph (2)(C) shall not apply to any quantity of such substance dispensed under a valid prescription.

`(4) REGULATIONS-

`(A) RULES FOR LOGS-

`(i) IN GENERAL- The Attorney General shall promulgate rules and regulations--

`(I) prescribing the content and format of the log required in paragraph (2)(B)(ii);

`(II) establishing the manner in which the information in the log required in paragraph (2)(B)(ii) shall be reported to law enforcement authorities; and

`(III) prohibiting accessing, using, or sharing the information in the log for any purpose other than to ensure compliance with this Act or to facilitate a product recall necessary to protect public health and safety.

`(ii) MISREPRESENTATION WARNING- The rules and regulations under clause (i) shall require that the log explain the potential consequences of false statements or misrepresentations, including requiring that the following statement is prominently presented: `NOTE: PENALTY FOR MISREPRESENTATION - Any misrepresentation (by omission or concealment, or by misleading, false, or partial answers may result in prosecution pursuant to section 1001 of title 18, United States Code, which makes it a criminal offense, punishable by a maximum of 5 years imprisonment, \$10,000 fine, or both, knowingly and willfully to make a

false statement or representation to any Department or Agency of the United States as to any matter within the jurisdiction of any Department or Agency of the United States.'

“(B) ALTERNATE IDENTIFICATION- The Attorney General shall promulgate rules and regulations authorizing the acceptance of an alternate form of identification under paragraph (2)(B)(i) to be used electronically.

“(5) GOOD FAITH PROTECTION- A retailer who in good faith releases information maintained under this subsection for purposes of compliance with this Act to a law enforcement or regulatory authority established pursuant to Federal or State law is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.’.

(c) Alternate Place of Sales and Dispensers- Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

“(i) Alternate Place of Sales Licenses-

“(1) IN GENERAL- The Attorney General shall register an applicant to dispense a controlled substance described in paragraph (6) of schedule V at a location other than a pharmacy if the Attorney General determines that such registration is consistent with the public interest.

“(2) CONSIDERATIONS- In determining the public interest, the Attorney General shall consider--

“(A) the applicant's maintenance of effective controls against diversion of the controlled substance described in paragraph (6) of schedule V into other than legitimate channels equivalent to that of a pharmacy;

“(B) the applicant's compliance with applicable State and local law, including holding a valid license issued by an appropriate State authority evidencing compliance with subparagraph (A);

“(C) the applicant's prior conviction record under Federal and State laws; and

“(D) such other factors as may be relevant to and consistent with the public health and safety, including accessibility to rural consumers.

“(3) STATE LICENSES- If an applicant under paragraph (1) does not have a valid State license as described in paragraph (2)(B), the Attorney General shall not register the applicant for a license under this subsection.

“(j) Alternate Dispenser Licenses-

“(1) IN GENERAL- The Attorney General shall register an applicant, other than a practitioner, to dispense a controlled substance described in paragraph (6) of schedule V at a location other than a pharmacy if the Attorney General determines that such registration is consistent with the public interest.

`(2) CONSIDERATIONS- In determining the public interest, the Attorney General shall consider--

`(A) the applicant's compliance with applicable State and local law, including holding a license issued by an appropriate State authority evidencing a degree of suitability to dispense the controlled substance described in paragraph (6) of schedule V equivalent to that of a practitioner;

`(B) the applicant's prior conviction record under Federal and State laws; and

`(C) such other factors as may be relevant to and consistent with the public health and safety, including accessibility to rural consumers.

`(3) STATE LICENSES- If an applicant under paragraph (1) does not have a valid State license as described in paragraph (2)(B), the Attorney General shall not register the applicant for a license under this subsection.'

(d) Theft Prevention- Notwithstanding paragraph (6) of schedule V of section 202 of the Controlled Substances Act (21 U.S.C. 812), as added by subsection (a), persons registered with the Drug Enforcement Administration to manufacture or distribute controlled substances shall maintain adequate security and provide effective controls and procedures to guard against theft and diversion, but shall not otherwise be required to meet the meet the storage, reporting, recordkeeping, or physical security control requirements (such as a cage or vault) for controlled substances in schedule V containing pseudoephedrine or ephedrine.

(e) State Penalties and Pediatric Products- Nothing in this Act shall be construed to--

(1) prevent a State or political subdivision of a State from adopting and enforcing penalties that are different from, in addition to, or otherwise not identical with, the penalties that apply under the Controlled Substances Act (28 U.S.C. 801 et seq.); or

(2) prevent a State or political subdivision of a State from permitting the sale of pediatric products containing pseudoephedrine or ephedrine, their salts or optical isomers, or salts of optical isomers where the pediatric product--

(A) is primarily intended for administration, according to label instructions, to children under 12 years of age and either--

(i) in solid dosage form, individual dosage units do not exceed 15 milligrams of ephedrine or pseudoephedrine; or

(ii) in liquid form, recommended dosage units, according to label instructions, do not exceed 15 milligrams of ephedrine or pseudoephedrine per 5 milliliters of liquid product; or

(B) is in liquid form--

(i) primarily intended for administration to children under 2 years of age;

(ii) the recommended dosage of which does not exceed 2 milliliters; and

(iii) the total package content is not more than 1 fluid ounce.

(f) *Effective Dates-*

(1) *ONLY ACTIVE INGREDIENT-* This section and the amendments made by this section shall take effect with regard to any substance in which ephedrine or pseudoephedrine is the only active ingredient 90 days after the date of enactment of this Act.

(2) *OTHER PRODUCTS-* This section and the amendments made by this section shall take effect with regard to any substance other than a substance described in paragraph (1) on January 1, 2007.

SEC. 102. EMPLOYER SCREENING OF EMPLOYEES WORKING WITH CONTROLLED SUBSTANCES.

Part C of the Controlled Substances Act (21 U.S.C. 821 et seq.) is amended by adding at the end the following:

`APPLICANTS AND EMPLOYEES

`SEC. 311. Persons registered with the Drug Enforcement Administration to manufacture, deliver, distribute, or dispense controlled substances shall take reasonable steps to guard against hiring persons who may, as a result of their employment, have access to and become involved in the theft and diversion of controlled substances, including, notwithstanding State law, asking applicants for employment whether they have been convicted of any crime involving or related to controlled substances.'

TITLE II--EDUCATION, PREVENTION, AND TREATMENT

SEC. 201. GRANTS FOR SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.

Section 519 of the Public Health Service Act (42 U.S.C. 290bb-25) is amended--

(1) in subsection (b), by inserting after paragraph (8) the following:

`(9) Development of drug endangered children rapid response teams that will intervene on behalf of children exposed to methamphetamine as a result of residing or being present in a home-based clandestine drug laboratory.'; and

(2) in subsection (o)--

(A) by striking `For the purpose' and inserting the following:

`(1) IN GENERAL- For the purpose'; and

(B) by adding at the end the following:

`(2) DRUG ENDANGERED CHILDREN RAPID RESPONSE TEAMS- There are authorized to be appropriated \$2,500,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of subsection (b)(9).'

SEC. 202. LOCAL GRANTS FOR TREATMENT OF METHAMPHETAMINE ABUSE AND RELATED CONDITIONS.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended--

(1) by redesignating section 514 that relates to methamphetamine and appears after section 514A as section 514B;

(2) in section 514B, as redesignated--

(A) by amending subsection (a)(1) to read as follows:

`(1) GRANTS AUTHORIZED- The Secretary may award grants to States, political subdivisions of States, American Indian Tribes, and private, nonprofit entities to provide treatment for methamphetamine abuse.';

(B) by amending subsection (b) to read as follows:

`(b) Priority for High Need States- In awarding grants under subsection (a), the Secretary shall give priority to entities that will serve rural or urban areas experiencing an increase in methamphetamine abuse in States with addiction rates in excess of the national rate.'; and

(C) in subsection (d)(1), by striking '2000' and all that follows and inserting '2005 and such sums as may be necessary for each of fiscal years 2006 through 2009'; and

(3) by inserting after section 514B, as redesignated, the following:

`SEC. 514C. METHAMPHETAMINE RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTER.

`(a) Program Authorized- The Secretary, acting through the Administrator, and in consultation with the Director of the National Institutes of Health, shall award grants to, or enter into contracts with, public or private, nonprofit entities to establish a research, training, and technical assistance center to carry out the activities described in subsection (d).

`(b) Application- A public or private, nonprofit entity seeking a grant or contract under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

`(c) Condition- In awarding grants or entering into contracts under subsection (a), the Secretary shall ensure that not less than 1 of the centers will focus on methamphetamine abuse in rural areas.

`(d) Authorized Activities- Each center established under this section shall--

`(1) engage in research and evaluation of the effectiveness of treatment modalities for the treatment of methamphetamine abuse;

`(2) disseminate information to public and private entities on effective treatments for methamphetamine abuse;

`(3) provide direct technical assistance to States, political subdivisions of States, and private entities on how to improve the treatment of methamphetamine abuse; and

`(4) provide training on the effects of methamphetamine use and on effective ways of treating methamphetamine abuse to substance abuse treatment professionals and community leaders.

`(e) Reports- Each grantee or contractor under this section shall annually submit a report to the Administrator that contains--

`(1) a description of the previous year's activities of the center established under this section;

`(2) effective treatment modalities undertaken by the center; and

`(3) evidence to demonstrate that such treatment modalities were successful.

`(f) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$3,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 and 2008.'

SEC. 203. METHAMPHETAMINE PRECURSOR MONITORING GRANTS.

(a) Grants Authorized- The Attorney General, acting through the Bureau of Justice Assistance, may award grants to States to establish methamphetamine precursor monitoring programs.

(b) Purpose- The purpose of the grant program established under this section is to--

(1) prevent the sale of methamphetamine precursors, such as pseudoephedrine and ephedrine, to individuals in quantities so large that the only reasonable purpose of the purchase would be to manufacture methamphetamine;

(2) educate businesses that legally sell methamphetamine precursors of the need to balance the legitimate need for lawful access to medication with the risk that those substances may be used to manufacture methamphetamine; and

(3) recalibrate existing prescription drug monitoring programs designed to track the sale of controlled substances to also track the sale of pseudoephedrine or ephedrine in any amount greater than 6 grams.

(c) Use of Grant Funds- Grant funds awarded to States under this section may be used to--

(1) implement a methamphetamine precursor monitoring program, including hiring personnel and purchasing computer hardware and software designed to monitor methamphetamine precursor purchases;

(2) expand existing methamphetamine precursor or prescription drug monitoring programs to accomplish the purposes described in subsection (b);

(3) pay for training and technical assistance for law enforcement personnel and employees of businesses that lawfully sell substances, which may be used as methamphetamine precursors;

(4) improve information sharing between adjacent States through enhanced connectivity; or

(5) make grants to subdivisions of the State to implement methamphetamine precursor monitoring programs.

(d) Application- Any State seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

(e) Authorization of Appropriations- There are authorized to be appropriated \$5,000,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of this section.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS RELATING TO COPS GRANTS.

(a) In General- In addition to any other funds authorized to be appropriated for fiscal year 2006 for grants under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), commonly known as the COPS program, there are authorized to be appropriated \$15,000,000 for such purpose to provide training to State and local prosecutors and law enforcement agents for the investigation and prosecution of methamphetamine offenses.

(b) Rural Set-Aside- Of amounts made available under subsection (a), \$3,000,000 shall be available only for prosecutors and law enforcement agents for rural communities.

SEC. 205. EXPANSION OF METHAMPHETAMINE HOT SPOTS PROGRAM TO INCLUDE PERSONNEL AND EQUIPMENT FOR ENFORCEMENT, PROSECUTION, AND CLEANUP.

Section 1701(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended--

(1) in paragraph (11) by striking `and' at the end;

(2) in paragraph (12) by striking the period at the end and inserting `; and'; and

(3) by adding at the end the following:

`(13) hire personnel and purchase equipment to assist in the enforcement and prosecution of methamphetamine offenses and the cleanup of methamphetamine-affected areas.'.

SEC. 206. SPECIAL UNITED STATES ATTORNEYS' PROGRAM.

(a) In General- The Attorney General shall allocate any amounts appropriated pursuant to the authorization under subsection (c) for the hiring and training of special assistant United States attorneys.

- (b) Use of Funds- The funds allocated under subsection (a) shall be used to--*
- (1) train local prosecutors in techniques used to prosecute methamphetamine cases, including the presentation of evidence related to the manufacture of methamphetamine;*
 - (2) train local prosecutors in Federal and State laws involving methamphetamine manufacture or distribution;*
 - (3) cross-designate local prosecutors as special assistant United States attorneys; and*
 - (4) hire additional local prosecutors who--*
 - (A) with the approval of the [Struck out->] [United States attorney,] [<-Struck out] shall be cross-designated to prosecute both Federal and State methamphetamine cases;*
 - (B) shall be assigned a caseload, whether in State court or Federal court, that gives the highest priority to cases in which--*
 - (i) charges related to methamphetamine manufacture or distribution are submitted by law enforcement for consideration; and*
 - (ii) the defendant has been previously convicted of a crime related to methamphetamine manufacture or distribution.*
- (c) Authorization of Appropriations- There are authorized to be appropriated \$5,000,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of this section.*

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S. 103
A BILL

To respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.